

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

LEONARD THOMAS PEDRONCELLI,

Plaintiff,

vs.

CIV 21-0454 JCH/KBM

KILOLO KIJAKAZI, Acting
Commissioner,
Social Security Administration,

Defendant.

ORDER GRANTING MOTION TO SEAL ADMINISTRATIVE RECORD

THIS MATTER is before the Court on the Commissioner's Opposed Motion to Seal Administrative Record (*Doc. 19*), filed on March 1, 2022. Therein, the Commissioner requested permission to lodge the Administrative Record in this case under permanent seal, allowing access to only the Court and case participants. *Doc. 19*. The Commissioner noted that the records of an administrative or agency proceeding are exempt from redaction pursuant to Federal Rule of Civil Procedure 5.2(b)(2). *Id.* ¶ 1. She further explained that the record in this case "is voluminous and contains sensitive personal and health related information" but that "[r]edacting the record would obscure a large portion of the record from the Court's view that is pertinent to the issues at bar." *Id.* ¶¶ 3, 4. The Commissioner stated, however, that she contacted Plaintiff who did "not approve" the motion. *Id.* ¶ 9.

On March 2, 2022, the Court entered an Order giving Plaintiff until March 9, 2022, to file a response in opposition, if any, to the Commissioner's motion to seal.

Doc. 21. Plaintiff did not file any response by the deadline imposed by the Court.

Therefore, pursuant to this District's Local Rules, he is deemed to have consented to the Court granting the Commissioner's motion. D.N.M.LR-Civ. 7.1(b) ("The failure of a party to file and serve a response in opposition to a motion within the time prescribed for doing so constitutes consent to grant the motion.").

As the Court indicated in its March 2, 2022 Order, its general practice is to seal the administrative records in all social security cases pursuant to Federal Rule of Civil Procedure 5.2(a)-(d). *Doc. 21*. For the reasons articulated in the Commissioner's motion, sealing of the Administrative Record is warranted here.

IT IS THEREFORE ORDERED that the Administrative Record (*Doc. 20*) lodged by the Commissioner in the above-referenced case shall be permanently sealed, and access shall be limited to the Court and the case participants only.

Dated this 11th day of March, 2022.


KAREN B. MOLZEN
United States Magistrate Judge